



BOROUGH OF BAY HEAD

PLANNING BOARD

MEETING MINUTES DECEMBER, 20 2023

The regular meeting of the Borough of Bay Head Planning Board was held on December 20, 2023 at 6:30pm in the Municipal Building, 83 Bridge Avenue, Bay Head, New Jersey.

Pledge of Allegiance:

Mrs. Frizzell asked everyone to stand and join in the Pledge of Allegiance

Open Public Meeting Act:

Mrs. Frizzell: reads the following statement:

In accordance with the applicable portion of the New Jersey Public Meetings Act, Notice of this meeting has been mailed to the Ocean Star. It is posted in the corridor of the Town Hall and filed with the Bay Head Clerk.

This meeting is being recorded.

There will be an opportunity for the public to comment at various points of the meeting. The public will be limited to five minutes per person.

Roll Call:

Present: Jones, Curtis, Frizzell, Wolleon, Feehan, Doane Durham, Clement, Gilman, Akerston

Absent: McGoey, Younghans, Wojcik

Approve the Minutes:

Frizzell: Do we have a motion to approve the November 8th, 2023 Minutes? Motion by Curtis; Second by Feehans; Vote was by consensus: All votes in favor, None opposed: Motion Passes

Frizzell: The 2022 Annual Planning Board report was previously forwarded for your review. Are there any comments or corrections? Do we have a motion to approve the report? Motion made by Durham; second by Feehans; Votes in favor; Gilman, Curtis, Durham, Feehan, Frizzell, Doane, Clement. Abstain; Jones, None opposed: Motion Passes

Frizzell: We have the meeting dates for 2024, any question or comment on dates? Do we have a motion to approve the 2024 meeting dates? Motion by Feehans; Second by Curtis; Vote was by consensus: All votes in favor, None opposed: Motion Passes



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Frizzell: We have two applications tonight. First will be 54 Bristol Place. PBA-23-09.

William Gage ESQ: Representing the applicants Marc and Caroline Packer, 54 Bristol Place Block 82 Lot 1. After the proposed development, there shall be the following non-conforming conditions upon the property. The applicants propose to construct a new front entry porch and extend the second floor over the existing garage. I will have three witnesses tonight: Marc Parker, Jeff Schiender and Charles E. Lindrom.

Erbe: Pre marked exhibits as follows. A-1 Bristol Place application and cover letter. A-2 Plot Plan A-3 Plans, A-4 Engineering Letters From Colliers Engineering, A-5 Packer fully executed Certification with Notice of Publication.

Packer: Owner of 54 Bristol Place purchased in 2017, uses the residence throughout the year.

Barry A Stieber Esq: Swears in Marc Packer.

Gage: What change are you looking to make at the property?

Packer: There are two items we are looking to change, The porch, which is original to the house, that was built in 1957. The porch is very narrow. We would like to expand the porch a foot or two to be able to accommodate a chair. We are also looking to add a room for extended family visits.

Gage: The room would be over the garage and wouldn't extend any further into the setback.

Packer: That is correct.

Gage: My next witness will be Jeff Schneider, Architect.

Barry A Stieber Esq: Swears in Jeff Schneider.

Schneider: NJ licensed Architect. Prepared the plans with elevation for 54 Bristol Place. The plans show the small expansion to the front porch and room over the garage.



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Gage: Is there any change to the front setback?

Schneider: Yes, there will be a 1 foot 11 inch change, but no change to side or rear setbacks. In addition, there will be an outdoor shower and patio.

Frizzell: The enlargement of the porch for more room for a chair and aesthetics, you will also be adding the gable?

Schneider: Correct.

Barry A Stieber Esq: Swears in Charles E. Linstrom: Professional planner and Engineer.

Linstrom: The porch will be 1.9 feet closer to the street than the porch on the existing house. The property will conform to building coverage where 35% is allowed, 24.4% is proposed and impervious coverage where 50% is allowed and 33.1% is proposed. There will be a shower rinse station in the rear of the house.

Gage: What will the impact on light, air and space be?

Linstrom: The hardship is the location on the property, to get a functional porch we had to encroach slightly more into the front setback. Don't see any negative impact upon the neighborhood, for this minimal intrusion.

Frizzell: For the record, will this have any negative impact on the neighbors or any sight lines?

Linstrom: No, there will not be any negative impact on the neighbors, or sight lines.

Frizzell: Does the Board have any more questions for the witness? Seeing none, does anyone from the public have questions for the witnesses? With no comments we will close the public portion.

Gage: I have no further witnesses at this time.

Frizzell: Do we have motion to approve the plans as submitted? Motion made by Curtis; second by Feehans; Votes in favor; Jones, Gilman, Curtis, Durham, Durham, Feehan, Frizzell, Wolleon, Doane, Votes Opposed None. Motion Passes

Frizzell: The next application will be 812 Main Ave PBA-23-10, Block . Marie Gaal.



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Gage: I'm here representing Marie Gaal, the owner of 812 Main Avenue. The Applicant is looking to install a pool with a side yard setback of 6 feet where 10 is the minimum required. The originally submitted application requested 4 feet from the north setback. After reviewing with the engineer Charles Lindstrom, it was decided to move the pool 2 feet further from the north setback to 6 feet. We would like to amend the application to be 6 feet. We will also be asking for a front yard setback of 10 feet where 35 is required. We will also be asking for a front yard setback of 22.8 feet to the air conditioners when 35 feet is required. The front yard non-conformities are exacerbated by the uniqueness of the lot. What is officially the front yard is functionally the rear of the property and borders upon a lot on Main Avenue. If the eastern side of the lot were treated as the rear of the property, the swimming pool and air condition platforms would comply with the R-50 requirements.

Erbe: Read the exhibits into evidence, A-1 cover letter and application, A-2 Gaal zoning denial, A-3 Plot Plan, A-4 Pool Plan, A-5 Boundary and topographic, A-6 Board Engineer report, A-7 Gaal fully executed certification.

Gage: I would like to introduce two photos at this time. I can authenticate these photos. I took them, the front of the house, photo # 1 south angle of the house (marked A-8) and photo # 2 the rear is from the Clayton Ave side of the property (marked A-9). These photos accurately depict current conditions. As the photo shows from the east it represents the rear of the home whereas the west or Clayton Ave photo shows what is used as the front of the house. The uniqueness of the front yard (east side) abutting against the neighbors yard is uncommon, if this was a normal lot the front would be considered the rear yard, the pool would be conforming to a rear yard setback in a R-50 zone.

Gage: I only have one witness tonight, unfortunately, Marie Gaal is unable to make the meeting tonight, she will be reachable by phone if needed. I will be calling Charles Lindstrom to testify tonight.

Gage: You prepared the plot plan for the project?

Lindstrom: Yes, I prepared the plot plan. This property is unique as it does not have street footage, the front yard is determined by its address. There is room on the property on the northeast side to put in a pool. The pool is long as the applicant would like to be able to do laps. The plan also is to remove the driveway and replace it with crushed stone to improve the



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drainage. The decking has already been changed to pervious decking by creating gaps in between the slats.

Gage: We propose the total impervious coverage to 47.9%, a discrepancy from Mr. Mullin's calculations of 77%. The reason for the difference, we believe, is the decking did not have the proper gaps between the boards. It was previously considered impervious, but with adjustment to the slats, the deck is now considered pervious. Lindstrom: After meeting McCall at the property, it was decided to move the pool from 4 feet to 6 feet from the property line. Knowing the drainage is an issue in this area. The plan is to take all the water for the north side of the pool and convey it west towards the lower area of the adjacent railway property towards Clayton Avenue. At this time, it is not working as dry well and it has to be cleaned out and maintained. The drainage would run from the eastern end of the property all through to the western end of the property.

Lindstrom: The air conditioning units are being moved to make room. There is a rinse station that will be removed which gives sufficient room to move the pool over two feet. The new air conditioning units will be modern and more efficient and quiet. Planters on the plans will be removed and replaced with a row of effervies. Pool equipment will be placed in the garage,

Gage: Drainage is a concern for the neighbors and board members. There will be 700 sq.ft. net in reduction of impervious coverage.

Lindstrom: With the removal of the concrete driveway and replacing it with crushed gravel and in considering the pool, there will be a net reduction of the current impervious coverage of 59% to 47.9%. The pool will not affect the neighbors to the north or east.

Gage: Do you believe this will have a negative effect on the adjacent neighbors, since there is no current drainage system in place and new additional drainage will be installed? Do you believe this is improving the drainage?

Linstrom: I do believe it will improve the situation, based on the work that has already been completed with the decking, and removal of the driveway, while adding the pool. Looking at an aerial photo, it shows that there are pools at 49 Strickland, the property adjacent to the north. So this is not something out of the ordinary in this area,



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Gage: The intent of ordinances are to control how far a structure is from a neighboring property. Given the fact that the front yard setback normally pertains to distance to a street. This pool will be 10 feet from the east property line which is the intent of the ordinance.

Lindstrom: Yes it does even though, by definition, the east is considered the front. But you can look at the front as the Clayton Ave side; if they had a direct front on that side then the east would be considered the rear and this would conform to the 10 feet setback. It is a matter of uniqueness that creates these variances.

Frizzell: Can you speak to the improvement to the railway right of way?

Gage: I spoke with Marie Gaal about this, she inherited the house from her parents. The improvements to the right of way were done by her parents. She doesn't know for fact but believes that proper permits were taken out.

Frizzell: Was the land ever vacated by the state.

Gage: There has been interest from some residents but nothing has been done to date that I'm aware of.

Doane: If the water is going to the railroad right of way is the state aware of this?

Gage: They were sent notice of today's hearing.

Durham/ Frizzell: Could you please clarify the numbers? There seems to be some inconsistent figures.

Gage: The new plan has proposed lot coverage of 41.7%

Linstrom: Taken the 1034 sq. ft. deck out of the impervious coverage with the removal of the concrete driveway, which is 1158 sq.ft. This makes for a significant reduction in impervious coverage.

Durham: What experience do you have with the proposed drainage? Looks like the plans that were prepared by Burdick and there is a gravel sump pump.



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Lindstrom: The bottom drain of the pool will not run into gravel. When the pool fills it will reach and flow into the pool skimmers. The pool skimmers will have to run the water to Clayton Ave away from the neighbors. I would be happy to work with the Borough engineer and Paul Pogorzelski to come up with the best drainage plan. The plans will need to be revised to show the drainage and to reflect that the pool will be 6 feet from the property line.

Frizzell: Open to the public for questions for the witness.

Katherine Schneider 814 Main (rear) Ave: Stated concerns about the drainage and where it will go.

Richard Wade 819 Main Ave: Mr. Linstrom, did you notice the flooding on the adjacent property? Are you aware of the history of the property? Also, the new trees are raised. Does that help the flooding situation? Will this project help the flooding in the alleyway? I'm concerned that the alleyway will be damaged during the construction of the pool.

Lindstrom: The row of arborvitae are in a raised berm which will help keep the water from running off their property.

Joe Murphy, 814 Main Ave: Expressed his 22 year concerns with the drainage in the area. Did anyone check to see if the decking conforms to code for pervious coverage?

Gage: The decking was redone to conform with the local ordinance.

Frizzell: As far as the deck, there's no plastic underneath that would prevent water from draining through, is that correct?

Gage: There is no plastic or underlayment underneath the decks that would prevent water from draining.

Lauren Koncade 49 Strickland Street: Is there a significant difference between gravel and concrete, considering the high water table? Where is the water going to go? Can you describe the drainage system you have in mind? I am concerned with the flooding.

Linstrom: Yes, gravel will make a significant difference, but with the water table high, it's not perfect. The water will run toward Clayton Ave. The drainage system will be a perforated pipe with stone very shallow running to the end of the property. This system will direct the water



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away from the neighbors. We will also use landscaping to help contain water from running to adjacent neighbors.

Durham: Mr. Lindstrom so you're to say that there's going to be two separate drainage systems? Could you clarify that for me please?

Linstrom: The pool drains and skimmers will be hard piped to the pump. When the pool level is too high, the pumps can be reversed and the water will be pumped away from the property toward Clayton Ave away from the neighbors property. In regards to the surface drainage plan, a stone trench with a perforated pipe will take the water from a low area near the pool and redirect the water away from the neighbors property in the direction of Clayton Ave. What we want is when the system fills with water it bubbles towards Clayton Ave.

Durham: Mr. Lindstrom, I'm assuming we're gonna get the revised plans and they will show the drainage for the surface runoff.

Frizzell: What is the proposed surface around the pool?

Lindstrom: The surface around the pool and entrance to the pool will be a pervious. The walkway and deck will be at grade level. There will be crushed stone around the walkway.

Feehan: Is there a drainage system on the Main Street side that it could be connected to?

Lindstrom: Not that I'm aware of.

Alexander Zuver 810 Main Ave: The original pool size was changed and moved, was the intent because of it being a lap pool now. Where is the setback measured from?

Gage: Regardless of where the pool is on the property a variance would be required.

Frizzell: The setback is measured from the inside of the pool coping.

Josephine Esquivel 814 Main Ave: The alleyway is equally owned by the 4 connected properties.

Frizzell: Open to Public Comment

Public: Neighbors reiterated their concerns with flooding in this area.



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Alexander Zuvor: The relocation of the air conditioning should be done to minimize noise and view.

Joseph De Amicia 1614 Bay Ave: The proposed plan for the pool should not have a negative impact on the alleyway or neighbors.

Frizzell: Do we have a motion to close the public comment period? Motion by Feehan: Second by Clement, Vote was by consensus: All votes in favor, None opposed: Motion Passes

Curtis: I would like to make a motion to Adjourn this case to a future meeting when the final plan is received and additional information can be presented.

Motion made by Curtis; second by Feehans; Votes in favor; Jones, Gilman, Curtis, Durham, Durham, Feehan, Frizzell, Wolleon, Doane, Votes Opposed None. Motion Passes

Old Business:

Open to the Public

No public comment

Approve Vouchers:

Frizzell: Are there any questions on the vouchers? Is there a motion to approve vouchers?

Motion by Gates: Second by Feehan, Vote was by consensus: All votes in favor, None opposed: Motion Passes

Frizzell: The next meeting will be Wednesday, January 17, 2024 6:30pm at Borough Hall. Do we have a motion to adjourn? Motion made by Curtis; second by Clement. Vote was by consensus: All votes in favor, None opposed: Motion Passes.

Meeting adjourned at 7:39 pm.



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Darren Erbe

Planning Board Secretary